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FACSIMILE TRANSMISSION

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Total # of Pages 10 (including this page)

TO:	PHONE #:	FAX #:
United States Patent and Trademark Office Mail Stop Amendment Examiner: Changhwa Cheu Art Unit: 1641		571-273-8300

From : Barry S. Wilson
Email Address : bwilson@foley.com
Sender's Direct Dial : 858.847.6722
Date : April 18, 2006
Client/Matter No : 071949-2705
User ID No : 3067

MESSAGE:

Please find enclosed:

Transmittal (3 pages);

Terminal Disclaimer and attached Exhibit (5 pages);

Credit Card Payment Form (1 page).

If there are any problems with this transmission or if you have not
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Operator:	Time Sent:	Return Original To: Vanessa E. Agha
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APR 18 2006

Atty. Dkt. No. 071949-2705

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth F. Buechler
Title: RAPID EVALUATION OF THE
RATIO OF BIOLOGICAL
MOLECULES
Appl. No.: 10/697,356
Filing Date: 10/29/2003
Examiner: Changhwa Chen
Art Unit: 1641

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
Vanessa Ache	(Printed Name)
Vanessa Ache	(Signature)
April 18, 2006	(Date of Deposit)

AMENDMENT TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed please find:

☒ Terminal Disclaimer of U.S. Patent No. 6,670,196 (3 pages) and attached Exhibit
(2 pages).

☒ Credit Card Payment Form (1 page).

☒ The fee required for additional claims is calculated below:

	Claims		Previously		Extra		Rate		Additional
	As	Amended			Claims	Present			
			Paid For						Claims Fee
Total Claims:	17	-	20	=	0	x	\$50.00	=	\$0.00

Atty. Dkt. No. 071949-2705

Independent Claims:	1	-	3	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:						+	\$360.00	=	\$0.00
CLAIMS FEE TOTAL									= \$0.00

☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$0.00
<input checked="" type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$130.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$130.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$0.00
TOTAL FEE:		\$130.00

A credit card payment form in the amount of \$130.00 is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Atty. Dkt. No. 071949-2705

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 04/18/2006

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6722
Facsimile: (858) 792-6773

By Barry Wilson

Richard Warburg, Reg. No. 32,327
By Barry S. Wilson, Reg. No. 39,431
Attorney for Applicant

APR. 18. 2006 5:05PM

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APR 18 2006

Atty. Dkt. No. 071949-2705

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth F. Buechler
Title: RAPID EVALUATION OF THE
RATIO OF BIOLOGICAL
MOLECULES
Appl. No.: 10/697,356
Filing Date: 10/29/2003
Examiner: Changhwa Cheu
Art Unit: 1641

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being transmitted to the United States Patent and Trademark Office, Alexandria, VA on the date below.
<u>Vanessa Agha</u> (Printed Name)
<u>Vanessa E Agha</u> (Signature)
<u>April 18 2006</u> (Date of Deposit)

TERMINAL DISCLAIMER OF U.S. PATENT NO. 6,670,196

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Biosite, Inc., having its principal place of business at 11030 Roselle Street, Suite D, San Diego, CA 92121, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/697,356, filed October 29, 2003, which is a continuation of U.S. Patent Application Serial No. 09/081,722, filed May 13, 1998, now issued as U.S. Patent No. 6,670,196, by virtue of an assignment in U.S. Patent Application Serial No. 09/081,722 filed and recorded on August 13, 1998, on Reel/Frame 009392/0779 in the United States Patent and Trademark Office, and an assignment in U.S. Patent Application Serial No. 09/081,722 filed and recorded on June 9, 2003, on Reel/Frame 013716/0993 in the United States Patent and Trademark Office, copies of the recordation of which are attached hereto as EXHIBIT.

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Atty. Dkt. No. 071949-2705

Your Petitioner, Biosite, Inc., hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 6,670,196, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,670,196 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent 6,670,196 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 6,670,196 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 6,670,196 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent 6,670,196, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the Assignments recordation evidence attached as EXHIBIT, and to the best of his knowledge and

Atty. Dkt. No. 071949-2705

belief, legal title to the above identified patent application and U.S. Patent 6,670,196 rests with Petitioners, Biosite, Inc. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date 04/18/2006By Barry Wilson

FOLEY & LARDNER LLP
P.O. Box 80278
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Facsimile: (858) 792-6773

Richard J. Warburg (Reg. no. 32,327)
Attorney for Applicant
By Barry S. Wilson (Reg. No. 39,431)

Attachments:

- Exhibit: Assignment data for U.S. Pat. No. 6,670,196 (USPTO Assignment website: February 9, 2006)

APR 18 2006

Atty. Dkt. No. 071949-2705

**Exhibit: Assignment data for U.S. Pat. No. 6,670,196 (USPTO Assignment website:
February 9, 2006)**

Total Assignments: 4

Patent #: 6670196 **Issue Dt:** 12/30/2003 **Application #:** 09081722 **Filing Dt:** 05/13/1998
Inventor: KENNETH F. BUECHLER
Title: RAPID EVALUATION OF THE RATIO OF BIOLOGICAL MOLECULES

Assignment: 1

Reel/Frame:

009392/0779
Pages: 2

Recorded: 08/13/1998

Conveyance:

ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor:

BUECHLER, KENNETH F.

Exec Dt: 07/07/1998

Assignee:

BIOSITE DIAGNOSTICS, INC.

11030 ROSELLE STREET, SUITE D
SAN DIEGO, CALIFORNIA 92121

Correspondent:

LYON & LYON LLP
RICHARD J. WARBURG
633 WEST FIFTH STREET, SUITE 4700
LOS ANGELES, CA 90071-2066

Assignment: 2

Reel/Frame:

013716/0993

Recorded: 06/09/2003

Pages:

3

Conveyance:

CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

Assignor:

BIOSITE DIAGNOSTICS, INC.

Exec Dt: 06/20/2001

Assignee:

BIOSITE, INC.

11030 ROSELLE STREET
SUITE D
SAN DIEGO, CALIFORNIA 92121

Correspondent:

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MICHAEL A. WHITTAKER
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SAN DIEGO, CA 92138-0278

Assignment: 3

Atty. Dkt. No. 071949-2705

Reel/Frame:

3

013755/0765**Recorded:** 06/24/2003**Pages:****Conveyance:**

CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

Assignor:BIOSITE DIAGNOSTICS, INC.

Exec Dt: 06/20/2001

Assignee:BIOSITE, INC.11030 ROSELLE STREET
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SAN DIEGO, CALIFORNIA 92121**Correspondent:**FOLEY & LARDNER
MICHAEL A. WHITTAKER
P.O. BOX 80278
SAN DIEGO, CA 92138-0278**Assignment: 4****Reel/Frame:**

3

013756/0197**Recorded:** 06/24/2003**Pages:****Conveyance:**

CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

Assignor:BIOSITE DIAGNOSTICS, INC.

Exec Dt: 06/20/2001

Assignee:BIOSITE, INC.11030 ROSELLE STREET
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